



DECISION MEMO & CONSISTENCY DETERMINATION
HISTORIC COLUMBIA RIVER HIGHWAY STATE TRAIL SEGMENT D
CD-14-07-S
U.S. FOREST SERVICE
WARREN CREEK VICINITY
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA
HOOD RIVER COUNTY, OR
MAY 4, 2015

BACKGROUND

The Oregon Department of Transportation has proposed developing approximately 0.23 miles of multi-use trail on National Forest System land as part of the greater Historic Columbia River Highway State Trail. This Decision Memo is for the issuance of a special use permit for construction of this portion of the trail. The design and implementation of the Historic Columbia River Highway State Trail have been ongoing since the designation of the Columbia River Gorge National Scenic Area in 1986. This 0.23-mile portion is part of a larger segment (segment D) being concurrently planned for on state land.

DECISION

I have decided to approve the issuance of a special use permit for construction of this segment of Historic Columbia River Highway State Trail on National Forest System land. This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(3) *Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land*. The use of this category of action(s) is applicable because the proposed use of NFS land would be less than 5 contiguous acres.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species

proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species

A biological assessment was prepared and determined the project May Affect but is Not Likely to Adversely Affect northern spotted owl. There is no Designated Northern Spotted Owl habitat within the project area. For Forest Sensitive species that have no habitat in or near the project area, the project would have No Effect on those species. For Forest Sensitive species that have habitat in or near the project area, the project may impact individuals or habitat (but not adversely). It will not likely contribute to a trend towards Federal listing or loss of viability to the population or species.

- Flood plains, wetlands, or municipal watersheds

There are no flood plains or municipal watersheds present. Multiple mitigation measures have been included to avoid adverse effects to riparian/ wetland areas.

- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas

This project occurs within a Special Management Area of the Columbia River Gorge National Scenic Area. The project has been reviewed for consistency with the guidelines of the Columbia River Gorge National Scenic Area Management Plan. Results of the consistency review are documented in the attached Findings of Fact.

- Inventoried roadless areas or potential wilderness areas

None are present.

- Research natural areas

None are present.

- American Indians and Alaska Native religious or cultural sites

While the Columbia River Gorge is significant to American Indian Tribes, the area around Warren Creek has not been identified as a significant religious or cultural site.

- Archaeological sites, or historic properties or areas

Cultural resource surveys were completed and the Oregon State Historic Preservation Office was consulted. While historic resources are present it was determined that there would be no adverse effect to these properties by the proposed activities. Notification of the project was provided to the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and Confederated Tribes of the Warm Springs.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Columbia River Gorge National Scenic Area Schedule of Proposed Actions and updated periodically during the analysis. Additionally the public was provided a 30 day comment period which closed on September 1, 2014. Project information was posted on a public website and known interested parties were notified by mail or email. Notification was also provided to the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and Confederated Tribes of the Warm Springs. In addition to these public involvement opportunities the Oregon Department of Transportation has provided information to the public through meetings and posting information online. The following public comments were received by the Forest Service during the 30-day comment period:

The Columbia River Gorge Commission submitted comments on the proposed trail to ensure applicable CRGNSA Management Plan requirements are met, including:

- Meeting requirements for Recreation Intensity Class 1 capacity;
- Mitigating scenic impacts through materials, color and screening;
- Ensuring the Graphic Sign System is utilized as appropriate;
- Consideration of Cumulative Effects of the proposed action on Scenic, Cultural, Natural and Recreation resources.

Forest Service specialists have reviewed the proposal for these requirements and have found the project to be conditionally consistent. Refer to the Findings of Fact for specific findings on these topics.

The Gifford Pinchot Accountability Group submitted comments expressing support for expedient review of the project and for providing barrier-free access.

The appropriate processes and reviews have been completed to ensure Forest Service policies and standards are met. The project will provide barrier-free trail access.

Friends of the Columbia Gorge submitted comments after the 30-day comment period. Friends stated support for the HCRH recreational trail and submitted comments regarding meeting the applicable requirements of the National Environmental Policy Act (NEPA) and the CRGNSA Management Plan. The Friends emphasized requirements for scenery resources within the immediate foreground of I-84.

The Forest Service has reviewed the proposed activity for consistency with the applicable guidelines for the CRGNSA Management Plan and has documented those findings in the attached Findings of Fact. This Decision Memo documents that no extraordinary circumstances or other resource conditions exist that would warrant further analysis and documentation.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I find that the above proposal is consistent with the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan provided that it is implemented as described in the application materials, the CRGNSA Consistency Determination Findings of Fact, referenced as CD-14-07-S, and provided the following conditions are applied:

- 1) The proposed sign backs and posts shall be painted a dark earthtone color to meet the Not Visually Evident scenic standard.
- 2) All stone masonry shall utilize local basalt and be of an irregular, random coursed pattern to best reflect the natural qualities of local stone.
- 3) Existing native screening vegetation between the trail and I-84 shall be retained.
- 4) All stumps and cut faces created during project construction which are visible from I-84 shall be flush cut.
- 5) All steel on proposed MSE walls shall be weathering steel to blend with the natural landscape.
- 6) Concrete for the Warren Creek bridge shall include an integral color that is dark gray to match the color of native basalt and weathered concrete. Additionally the visible surfaces of the concrete shall be sand blasted to expose aggregate, add texture and allow for surface weathering. A sample of cured concrete shall be submitted to the Forest Service landscape architect to ensure color standards will be met.
- 7) Rock utilized for the porous rock embankment west of Warren creek shall be native basalt that matches the surrounding natural landscape.
- 8) A 20 foot strip along the north edge of the trail shall be planted with native screening vegetation. Species shall include a variety of native plants that are dense growing (such as tall Oregon grape) and tall shrubs to achieve 80% screening within 5 years of project construction. The final planting plan shall be submitted to the Forest Service for review by a landscape architect to ensure this standard will be met.
- 9) Work-limit boundaries shall be clearly flagged around all work sites located near historic or cultural resources, as suggested in Michael Schurke's Effect Recommendation report, dated July 28, 2014.
 - a) The Dalles-Sandy Wagon Road (35HR128): Archaeologist shall post work limits on the ground to protect the site against impacts in segments that occur on and off National Forest System lands.
- 10) All work near identified historic or cultural sites shall be monitored by a qualified archaeologist, as suggested in Michael Schurke's Effect Recommendation report, dated July 28, 2014.
 - a) The Dalles-Sandy Wagon Road (35HR128)
- 11) If any historic or prehistoric cultural resources are uncovered during project activities, the applicant shall cease work at once and immediately notify the CRGNSA office and the Oregon Office of Archeology and Historical Preservation. The applicant shall also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise

associated with Native American Indians.

- 12) The following design modifications shall be implemented:
 - a) OR DOT CRGNSA 100(1), Wonder Creek Flow Through Embankment Memorandum, submitted by James Neighbor (WFLHD) on August 14, 2014
 - b) Warren Creek Bridge- Details, submitted by Walker Macy on December 17, 2014
 - c) Wonder Creek Trail Side Rest Area STA 175+00 design as submitted by ODOT and plotted August 19, 2014
- 13) No blasting shall occur during the Northern spotted owl critical nesting season (March 1 – July 15).
- 14) Falling of trees and shrubs shall not occur during the critical migratory bird nesting season (March 1 – July 15).
- 15) Any work in fish bearing streams, such as Warren Creek, shall occur only during the appropriate in-water work window (July 15 - September 30).
- 16) All areas of soil disturbance shall be seeded and/or planted with native grass/forb species to establish 80% cover within 1 year of project completion.
- 17) The Mitigation Plan dated November 6, 2014 shall be implemented and modified to meet the following additional conditions of approval:
 - a) Performance Standards shall be modified to:
 - i) *Cover*. Percent cover of native species shall exceed, 20, 40 and 80 percent on years 1,3 and 5.
 - ii) *Diversity*. Five or more woody species will be present in native plant cover and contribute to at least 5 percent of total cover.
 - iii) *Noxious weed cover*. Noxious weed cover (see Oregon Noxious Weed Lists A and B) will be reduced to no more than 20% by year 3 and 10% by year 5. Adaptive management may include replanting, reseeding, noxious weed removal, mulching, improving soil quality and watering.
 - b) The entire mitigation area outlined in the mitigation plan will begin implementation with the construction of this segment of trail (segment D). Future segments of trail construction (segments A-C) will require additional analysis to ensure adequacy of proposed mitigation.
 - c) The applicant shall be responsible for ongoing implementation, maintenance and monitoring of mitigation. If monitoring indicates that enhancement efforts are not meeting the objectives in the proposed timeline, the applicant shall continue mitigation activities until enhancement objectives are achieved.
 - d) Best Management Practices shall be implemented for all development occurring within a stream or wetland buffer to prevent sedimentation from entering nearby water features. Best Management Practices shall include, at minimum, waterbars or other erosion control measures, such as weed-free straw wattles or silt fencing where needed to control sedimentation and erosion during project activities and reduce the potential for erosion after the construction activities are complete. Structures used for this purpose shall not be left on the site permanently.
 - e) Fuel shall not be stored within 150' of streams.

- f) Equipment shall not be refueled within 150' of streams
 - g) Wash water from concrete and other activities shall not be allowed to enter streams.
 - h) The applicant shall request permission prior to using water sources on National Forest System land to ensure timing and protection measures are utilized.
 - i) Existing tree cover shall be retained as much as possible. The number of trees removed shall be the minimum necessary to complete the project.
 - j) Existing down wood shall be retained onsite and kept whole.
 - k) All trees felled on National Forest System land shall be left on-site.
 - l) Any trees or limbs cut shall not be bucked, but left where they are felled or moved aside if needed for safety or operational purposes.
 - m) In order to prevent spread of invasive species during construction, all imported materials and heavy equipment shall be inspected prior to entry onto NFS land to ensure they are free of invasive species and debris which may harbor invasive species.
 - n) Erosion control measures will be employed to retain any exposed material and sediment on-site and prevent project-related sediment from reaching live water bodies.
 - o) Any ground disturbed near Warren Creek will be seeded with native seed mix and covered with certified weed-free straw or mulch.
- 18) 2.03 acres of the proposed mitigation area shall be allocated for impacts from segment D (including impacts on state land from segment D).
- 19) Steps shall be taken to keep the Hole-in-the-Wall Falls and Mt. Defiance trails open to the public while geotechnical work is being conducted. The Forest Service shall be notified two weeks prior to construction.
- 20) Temporary signs at all likely access points to and from the Starvation Ridge/Mt Defiance trailhead on I-84 shall be posted, explaining the project and its expected duration.
- 21) For public safety, signs shall be posted to alert trail users when activities are occurring on or near trails.
- 22) Motorized recreation shall be prohibited.

I find the proposal to be consistent with applicable standards and guidelines in the Mount Hood National Forest Land and Resources Management Plan, as amended by the Northwest Forest Plan. Applicable Forest Wide standards and guidelines as well as EA1 Scenic Area, EA8 Spotted Owl Habitat Area Management Areas guidelines have been met. This decision is consistent with the Aquatic Conservation Strategy objectives described in the Northwest Forest Plan. The project was designed in conformance with the Biological Evaluation and Management Plan Guidelines.

This decision complies with the Northwest Forest Plan as amended by the *2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*. It considers suitable habitat for survey and manage species and applies appropriate mitigations providing for reasonable assurance of species' persistence.

ADMINISTRATIVE REVIEW OPPORTUNITIES


A written request for review of the Consistency Determination, with reasons to support the request, must be received within 20 days of the date shown with the Area Manager signature below. Requests for review should be addressed to: Request for Review, Regional Forester, P.O. Box 3623, Portland, OR 97208.

IMPLEMENTATION DATE

This project may begin immediately as long as it complies with the conditions as described in items (1-22) above. This decision expires two years after the date on this determination. If implementation has not commenced before that date, a new consistency review or extension shall be required.

CONTACT

The Columbia River Gorge National Scenic Area staff prepared an analysis file in conjunction with this project. For further information, contact Robin Shoal at the Columbia River Gorge National Scenic Area, phone: (541) 308-1716, e-mail: rshoal@fs.fed.us.


LYNN BURDITT

Area Manager

MAY 4, 2015
Date

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